

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|------------------|---|--|
| RYAN VAN ALST, |) | |
| |) | |
| Plaintiff, |) | FILED: JULY 25, 2008 |
| |) | 08CV4221 |
| vs. |) | JUDGE DOW |
| |) | Civil Action No. MAGISTRATE JUDGE NOLAN |
| GC SERVICES, LP, |) | AEE |
| |) | |
| Defendant. |) | |

COMPLAINT

NOW COMES the Plaintiff, RYAN VAN ALST, by and through his attorneys, LARRY P. SMITH & ASSOCIATES, LTD., complaining against the Defendant, GC SERVICES, LP, and alleging as follows:

PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereafter the "FDCPA"), 15 U.S.C. § 1692 et seq.

JURISDICTION AND VENUE

2. Jurisdiction arises under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.

PARTIES

3. Plaintiff, Ryan Van Alst, ("Plaintiff"), is an individual who was at all relevant times residing in the City of Orland Park, State of Illinois.

4. At all relevant times herein, Defendant, GC Services, LP, ("Defendant") acted as a debt collector within the meaning of 15 U.S.C. § 1692a(6) in that it held itself out to be a company collecting a debt allegedly owed to Sallie Mae.

5. Defendant is a corporation that has its principal place of business and its offices located in the State of Texas.

ALLEGATIONS
COUNT I
VIOLATIONS OF THE FDCPA v. GC SERVICES, LP

6. In May of 2008, Plaintiff began receiving telephone calls from Defendant attempting to collect a debt allegedly owed to Sallie Mae.

7. Defendant initially placed calls to Plaintiff's residence two times a day even after being told Plaintiff was a school teacher and not home during the daytime hours.

8. On or about July 14, 2008, Defendant contacted Plaintiff at his residence prior to eight a.m.

9. Despite already having Plaintiff's contact and location information, Defendant continued to contact Plaintiff's family members which were not his spouse.

10. Subsequently, Plaintiff attempted to set up a payment plan with Defendant however, Defendant only wanted Plaintiff's bank account number and told Plaintiff that it had issued a federal wage garnishment against Plaintiff.

11. In its attempts to collect the aforementioned debt, the Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 in one or more of the following ways:

- a. Communicated with any person other than the consumer for the purpose of acquiring location information on more than one occasion and stated that the consumer owes any debt in violation of 15 U.S.C. § 1692b;
- b. Communicated with the consumer at any unusual time or place or a time or place known or which should be know to be inconvenient to the consumer in violation of 15 U.S.C. § 1692c(a)(1);

c. Communicated with any person other than the consumer, his attorney, a consumer reporting agency, the creditor, the attorney of the creditor or the attorney of the debt collector in violation of 15 U.S.C. § 1692c(b); and

d. Used any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer in violation of 15 U.S.C. § 1692e(10).

12. As a result of Defendant's violations as aforesaid, Plaintiff suffered and continues to suffer personal humiliation, embarrassment, mental anguish and emotional distress.

WHEREFORE, Plaintiff, RYAN VAN ALST, by and through his attorneys, respectfully prays for judgment as follows:

- a. All actual compensatory damages suffered;
- b. Statutory damages of \$1,000.00 for Plaintiff;
- c. Plaintiff's attorneys' fees and costs;
- d. Any other relief deemed appropriate by this Honorable Court.

*****PLAINTIFF REQUESTS A TRIAL BY JURY*****

Respectfully Submitted,
RYAN VAN ALST

By: s/Larry P. Smith
Attorney for Plaintiff

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